




MEMORANDUM

DATE: November 5, 2008
For November 20, 2008 Hearing

TO: Peter M. Gavin
Zoning Examiner

FROM: 
Albert Elias, AICP
Urban Planning & Design
Director

SUBJECT: SPECIAL EXCEPTION LAND USE – URBAN PLANNING AND DESIGN
REPORT
SE-08-40 AT&T – Mission Road, R-1 Zone (Ward 1)

Issue – This is a request by Steve Olson, on behalf of the property owners, Enchanted Hills Baptist Church, to allow a wireless communication facility as a special exception land use in the R-1 zone. The special exception site is located on west side of Mission Road between 36th Street and Ajo Way (see Case Location Map). The preliminary development plan proposes a wireless communication facility concealed within a 65-foot high artificial palm tree with the associated ground equipment to be located within a 1,600 square-foot area enclosed by a block wall.

A communications use of this type is subject to Section 3.5.4.20.G.1 of the *Land Use Code (LUC)*. This process requires a public hearing before the Zoning Examiner after which the Zoning Examiner forwards a recommendation to the Mayor and Council for a decision to grant the request with, or without conditions, or to deny the request.

Department of Urban Planning and Design Recommendation – The Department of Urban Planning and Design recommends approval of the special exception request, subject to the attached preliminary conditions.

Background Information

Existing Land Use: church

Surrounding Zones and Land Uses:

North: Zoned R-3; apartments
South: Zoned R-1; residential and bar
East: Zoned R-1; residential
West: Zoned R-1; residential

Previous Cases on the Property: none

Related Cases:

SE-01-18 Nextel – 4725 E. Pima Street, R-1 A special exception land use request to allow the installation of a wireless communication facility concealed within a 50-foot high artificial palm tree at the northeast corner of Swan Road and Pima Street in the center of the St. Cyril's Roman Catholic Church campus. On July 26, 2001, the Zoning Examiner approved the request and on September 26, 2001 building permit T01CM04816 was issued.

SE-04-11 Alltel – Rillito Racetrack, RX-1 A special exception land use request to allow the installation of a wireless communication facility concealed within a 63-foot high artificial palm tree on the east side of First Avenue, north of the Rillito River. On December 6, 2004, the Mayor and Council approved the request and on April 22, 2005 building permit T05CM00569 was issued.

SE-08-02 AT&T – Anklam Road, C-1 A special exception land use request to allow the installation of a wireless communication facility concealed within a 55-foot high artificial palm tree at the northeast corner of Anklam Road and La Cholla Boulevard. On July 8, 2008, the Mayor and Council approved the request.

Applicant's Request – The applicant requests approval for a wireless communication facility concealed within a 65-foot high artificial palm tree as a special exception land use in the R-1 zone.

Planning Considerations

Land use policy direction for this area is provided by the *Tumamoc Area Plan* and *General Plan*. *Tumamoc Area Plan* policies support residential development at mid-suburban densities (2-4 units per acre) in Area 23, in which the site is located. No specific policy direction is provided regarding wireless communication facilities. *General Plan* policies require that wireless communication facilities be located, installed and maintained to minimize visual impact and preserve views. Policies encourage providers to install facilities not only in newer areas, but also in older neighborhoods, to increase opportunities for all citizens to have access to advanced telecommunication services.

The entire church property consists of three parcels with the church located on the far north parcel adjacent to the apartment complex. The parcel just south of the church, the site for the wireless communication facility, serves as a parking lot while the remaining portion is undeveloped. Single-family residential abuts the special exception site to the west while the adjacent parcels to the south and east are undeveloped. Vehicular access to the special exception site is proposed from Mission Road. Mission Road, identified as a scenic arterial roadway with a future right-of-way of 120 feet on the *Major Streets and Routes Plan* map, is east of the special exception site.

The proposed wireless communication facility will not generate additional vehicle trips per day. Field inspection by staff indicates there are currently no billboards on the special exception site.

Design Considerations

Land Use Compatibility – The special exception site is located along a scenic corridor. Although the site appears to meet the 400-foot setback requirement from Mission Road, this will need to be demonstrated on the development plan. The last approved site plan for the church does not show the parcel of the proposed site. If the parking lot and wireless communication site are an expansion to the existing church development, it will need to be addressed at the time of plan submittal.

The proposed wireless communication facility concealed within a 65-foot high artificial palm tree will include three sectors with two antennas per sector, for a total of six antennas. The applicant indicates that the antennas will be painted to match the palm fronds and the exterior of the pole will be clad in imitation bark, which will lend it a more natural appearance. In order to be visually consistent with nearby structures, an eight-foot high block wall matching the existing church building will surround the ground equipment. Staff also recommends that the wall be graffiti-resistant, and textured and painted to match the church buildings.

The applicant indicates the church steeple is 44 feet in height. There are two palm trees on the church parcel north of the special exception site, and 25 palm trees within 400 feet of the site. The palm trees in the immediate vicinity of the lease site provide the context for the palm tree design.

Drainage/Grading/Vegetation – The special exception site is elevated approximately 20 feet above Mission Road. The site does not lie within a mapped floodplain. The site lies within the West Branch Santa Cruz River watershed. Detention/retention is required since this watershed is classified as a critical basin and peak flows must be reduced to 15 percent below existing levels. It is expected that the detention/retention requirement can be met by aggressive water harvesting. If basins are used to meet detention/retention requirements, rather than water harvesting, a complete Drainage Report, including details of detention/retention, will be required.

Road Improvements/Vehicular Access/Circulation – Vehicle access to the lease site will be provided by an existing driveway from Mission Road to the church parking lot. A technician parking space is provided north of the enclosed equipment area.

Performance Criteria – The applicant's proposal requires approval as a Special Exception through a Zoning Examiner Legislative Procedure (ZELP) and must meet the following performance criteria as stated in Sections 3.5.4.20.G.1 of the *LUC*. The Mayor and Council may forward the request to the Design Review Board for design review and recommendation. Following each criterion, in italics, are the applicant's response regarding compliance.

3.5.4.20.G.1 Wireless communication antennae, provided:

- a. The tower or antennae are not permitted by other provision of this Section.
The proposed wireless communication facility will be 65 feet in height which will require it to be processed under the Zoning Examiner Legislative Procedure.

- b. New towers require a minimum separation of one mile from any existing tower, regardless of ownership, unless documentation establishes that no practical alternative exists.

There are no practical alternate facilities that exist within a one-mile radius of the site. DPS has a tower at 1970 W. Ajo Way, which is not available for use. An existing facility located at 1976 W. Ajo Way serves four wireless carriers and is also not available for collocation.

- c. All appropriate measures shall be taken to conceal or disguise the tower and antenna from external view.

Appropriate measures have been taken to conceal the tower and antennas from external view. The new facility is designed as a palm tree with antennas concealed within the branch canopy of the tree. Bark cladding is proposed to be placed on the vertical structure to authenticate the appearance of the trunk.

- d. All appropriate measures shall be taken to reduce the negative proliferation of visible towers and antennae by the collocation of new antennae on existing towers or with the facilities of other providers which are located or planned for development within the proposed service area.

There are no opportunities to co-locate on existing towers within a one-mile radius of the site. The location features two existing palm trees along with 27 live palm trees within 900 feet of the site which provide context for the palm tree design.

- e. Notice shall be provided to all agents designated, pursuant to Sec. 3.5.4.20.B.7. at least 15 days prior to the date of the public hearing before the Zoning Examiner.

A notice will be provided to all applicable individuals at least 15 days prior to the assigned Zoning Examiner's public hearing.

Staff comment: *The proposal is in compliance with the LUC Performance Criteria for the special exception land use.*

Conclusion – The special exception request for a wireless communication facility concealed within a 65-foot high artificial palm tree and associated ground equipment can be supported and is in general compliance with applicable policy and the intent of the *General Plan*, the *Tumamoc Area Plan*, and the performance criteria. The facility has been designed to minimize visual impacts and preserve views through concealment and screening. Subject to compliance with the attached preliminary conditions, approval of the special exception request is appropriate.

Preliminary Conditions

PROCEDURAL

1. A development plan in substantial compliance with the preliminary development plan dated September 17, 2008, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8 of the *Land Use Code*.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled “Agreement to Waive Any Claims Against the City for Zoning Amendment”.
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Archaeologist. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. “Safe by Design” concepts shall be incorporated in the development plan for review by the Tucson Police Department.
6. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of the special exception land use.

LAND USE COMPATABILITY

7. The top of the stealth monopole (palm tree design) shall not exceed 65 feet in height.
8. The maximum diameter of the monopole shall not exceed 24 inches.
9. A maximum of six antenna panels are allowed, and they shall be concealed within and painted to match the stealth palm fronds.
10. The pole shall be fully clad in imitation palm tree bark and painted an appropriate bark color.
11. There shall be no exterior wiring, visible footpegs, portals, cabling or cable shrouds, or other unnatural appearing features on the stealth monopole.
12. The masonry wall that will screen the ground equipment shall be graffiti-resistant, and be textured and painted to match the existing church building.
13. All walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a

Preliminary Conditions

visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.

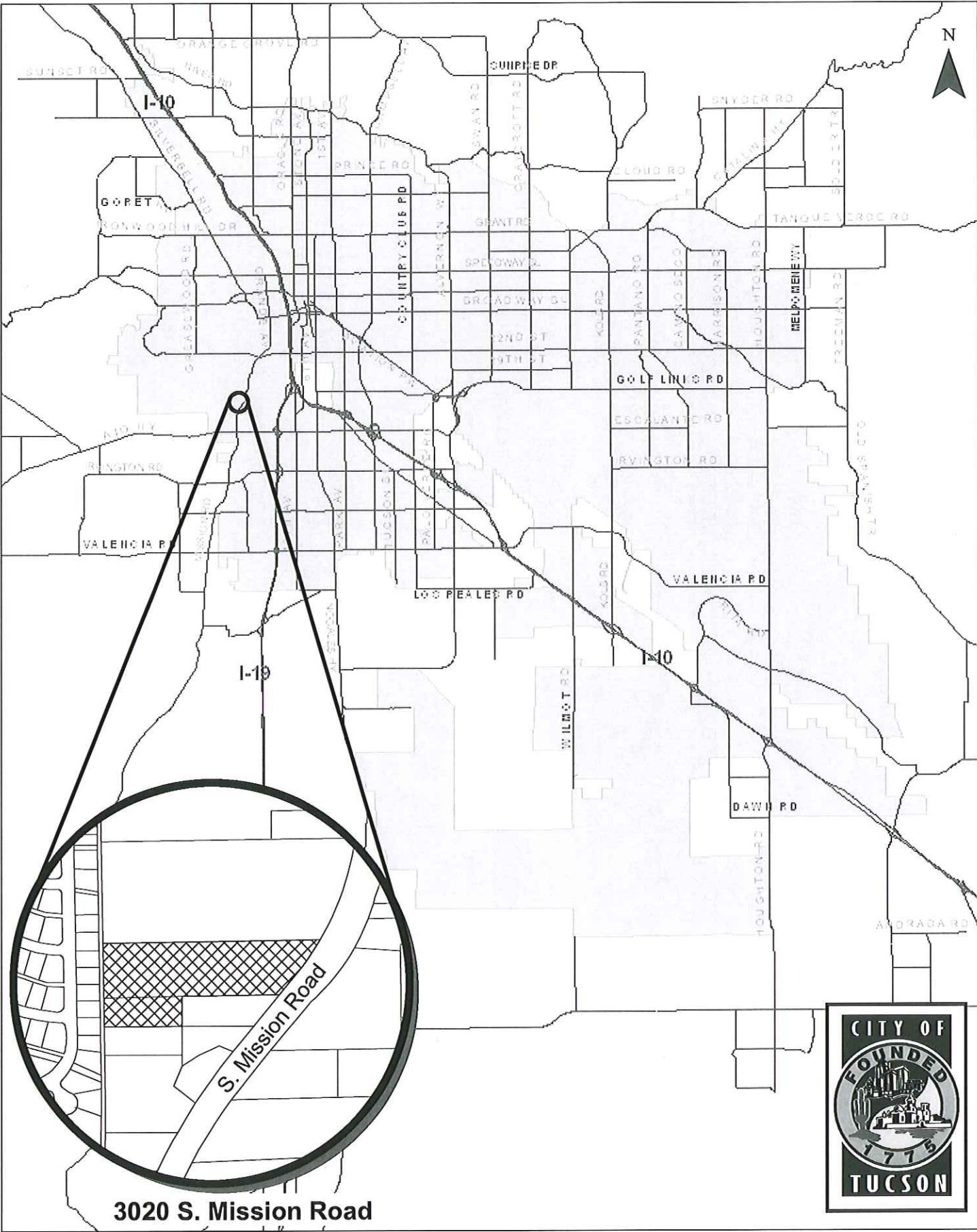
14. Six (6) inch wide fence block or greater shall be used for perimeter walls.

DRAINAGE/GRADING/VEGETATION

15. Should buffelgrass be present on the site, a buffelgrass mitigation management plan shall be created for the site as a component of the Native Plant Preservation Plan portion of the Landscape Plan.
16. Rain water harvesting must be conducted at this site per the requirements in Land Use Code (LUC) section 3.7.1.1.A, requiring that landscaping should accomplish natural resources conservation; LUC Section 3.7.4.3.B requiring integration of grading, hydrology and landscaping to make the maximum use of stormwater for on-site irrigation; and LUC Section 3.7.4.5.B requiring that stormwater and runoff harvesting be used to supplement drip irrigation for both new and preserved vegetation. Techniques to design and implement water harvesting are described in the City of Tucson's Water Harvesting Guidance Manual. This document can be downloaded as a pdf file from the following website:
<<http://dot.ci.tucson.az.us/stormwater/>>.

To comply with the above-referenced LUC sections, rainwater harvested from building roofs, sidewalks, and parking lots shall be employed to assist in supporting landscaped areas including parking lot tree wells, landscape buffers, sidewalk plantings, and other vegetation locations at the site. Site plans shall include Water Harvesting Plan & Detail sheet(s) showing all water harvesting locations at the site including common areas, perimeter buffer areas and any retention/detention basins and should include the length, width and finished depth of the water harvesting areas, curb openings, raised walkways, use of mulch, and drainage arrows showing runoff routing to each water harvesting area and information on where overflow will be routed.

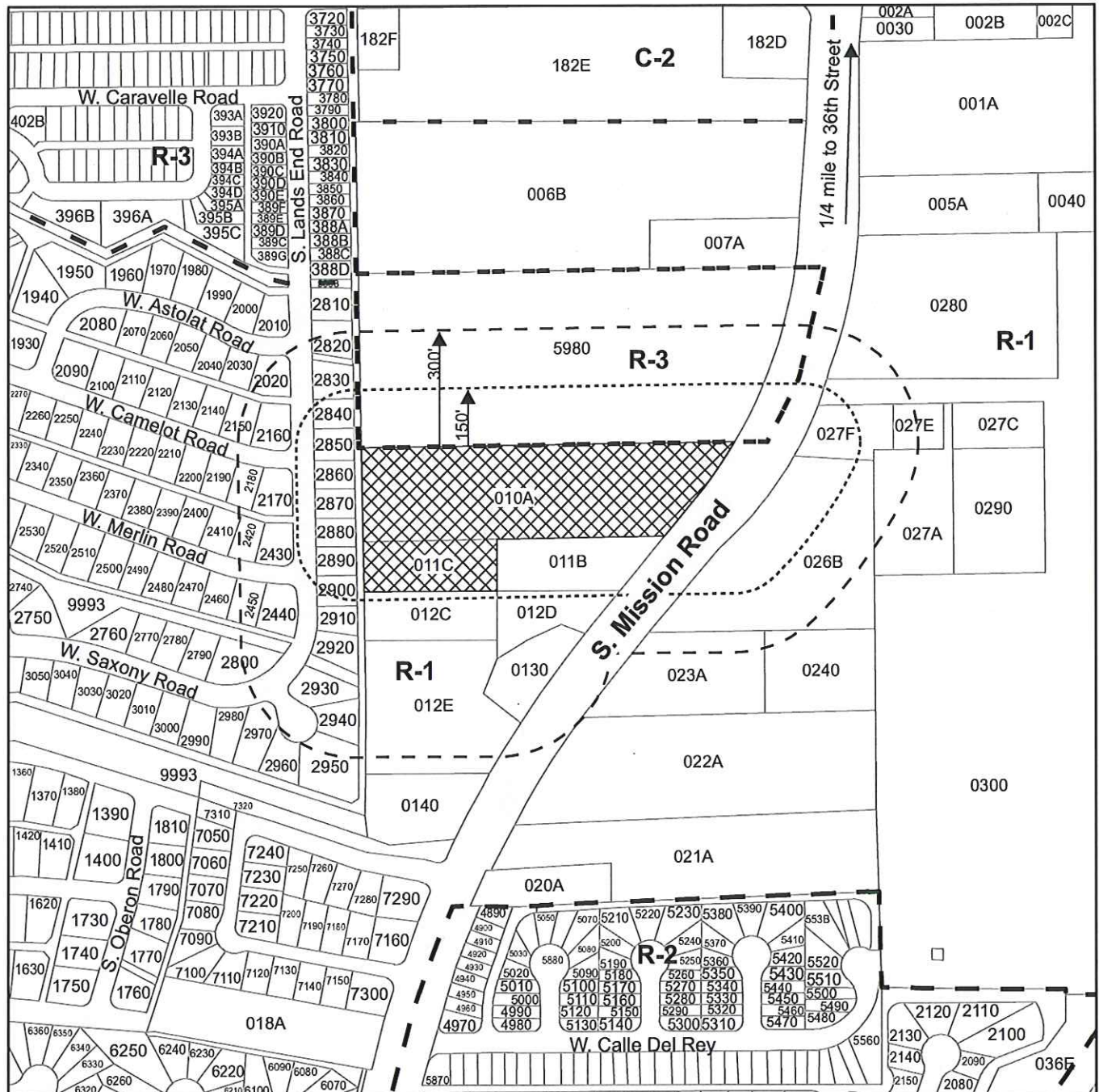
SE-08-40 AT&T - Mission Road



3020 S. Mission Road

SE-08-40 AT&T - Mission Road

Special Exception - Legislative Procedure



0 200 400 Feet

1 inch = 400 feet

Area of Special Exception Request

R-1 Zoning of Requested Area

Zone Boundaries

Protest Area (150 foot radius)

Notification Area (300 foot radius)

Neighborhood, Area Plan(s): Tumamoc Area Plan
Address: 3020 S. Mission Road
Base Maps: Sec.27 T.14 R.13
Ward: 1





SE-08-40 AT&T - Mission Road
October 2008 Aerial